IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 37 OF 2007

SHRI RAM SANKLU VELIP, AGONDA, CANACONA GOA. ... Appellant

Versus

SADANAND BABUSSO PAGUI (SINCE DEC.) AND 5 ORS., ... Respondents

Shri V.P. Thali,Advocate for the appellant.

Coram:- R. S. MOHITE, J.

Date:- 13th July, 2007

P.C.

Heard the Advocate for the appellant. There is no substantial question of law involved in this appeal. The plaintiff had filed the suit for permanent and mandatory injunction against the defendant Nos.1 to 5. The permanent injunction sought related to not disbursing the possession and mandatory injunction sought related to pulling down of certain construction. The trial Court only granted the permanent injunction and refused the mandatory injunction as sought. In the suit, counterclaim was made on behalf of original defendants No.1 for direction to the survey authorities to mutate his name on record. The appeal filed by the defendant No.1, was partly allowed and even the relief of permanent injunction was quashed. Grievance is made in this appeal that the counterclaim of the original defendant ought to have been allowed. In my view, such counterclaim could not have allowed. Survey authority is not party to the suit concerned. In case change in the survey record is required to be made, then there are procedure to approach the survey authorities directly. As such, no substantial question of law arises in this appeal. Hence, rejected.

R. S. MOHITE, J.

sma